

### REMARKS

The references cited by the Examiner in the rejections of the claims along with the Examiner's comments have been diligently studied. Reconsideration of the above-identified patent application in view of the amendment above and the remarks below is respectfully requested.

Claims 3-5, 7-9 and 11 have been amended. Claims 1-2, 12-14 and 16-17 have been canceled. New claim 25 has been added. Therefore, claims 3-11, 18 and 22-25 are under active consideration.

Claims 12-14 and 16-17 stand rejected under 35 U.S.C. 112 for failing to point and distinctly claim the subject matter which the applicant regards as his invention. In support of the rejection, the Examiner commented,

Claims 12-14 and 16-17 recites the limitation "a transverse cross-sectional width which is greater than its transverse cross-sectional height" in the last two lines of claim 12. There is insufficient antecedent basis for this limitation in the claim. The specification does not describe nor read a transverse cross-sectional width greater than the transverse cross-sectional height.

This rejection is respectfully traversed.

Applicant wishes to note to the Examiner that claims 12-14 and 16-17 are being canceled herewith, thereby rendering the rejection moot.

Withdrawal of the rejection of claims 12-14 and 16-17 under 35 U.S.C. 112 for failing to point out and distinctly claim the subject matter which the applicant regards as his invention is respectfully urged.

Claims 1, 7-9 and 11 stand rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 6,129,206 to W.J. Cooper (hereinafter Cooper). In support of the rejection, the Examiner commented,

Cooper discloses the invention substantially as claimed including a connector as a thin and straight filament "15" with a first and a second end cross members "17" and "19" at a first and second end, cross-members with a flat inner surface and a flat outer surface (see Fig. 3), a connector "15" formed onto the approximate center of the inner surface of the first cross member, a fastener constructed of plastic (col. 3, lines 7-8).

This rejection is respectfully traversed.

With respect to claim 1, applicant wishes to note to the Examiner that claim 1 is being canceled herewith, thereby rendering the rejection moot.

With respect to claims 7-9 and 11, as amended herewith, applicant respectfully contends that claims 7-9 and 11 are in allowable form for being dependent upon new claim 25, which applicant respectfully contends is in allowable form for reasons to be detailed below.

Withdrawal of the rejection of claims 1, 7-9 and 11 under 35 U.S.C. 102(b) as being anticipated by Cooper is respectfully urged.

Claims 12-14 and 16-17 stand rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,427,895 to C.L. Deschenes (hereinafter Deschenes). In support of the rejection, the Examiner commented,

Deschenes discloses the invention substantially as claimed including a needle for dispensing a plastic fastener with a flat bottom, a flat sidewall which extend orthogonally, and a flat flange extending orthogonally inward from the sidewall (see Fig. 9), a longitudinal-extending bore with a rectangular cross-section "153" (col. 8, lines 36-41), a longitudinally-extending slot "155", and a sharpened tip "57". Deschenes does not specifically state a pair of sidewalls. Moreover, there is no explicit disclosure of a pair of flanges. Examiner takes Official Notice of the well-known act of including a pair of sidewalls as a matter of design choice. Furthermore, it would be obvious to one having ordinary skill in the art to have modified Deschenes' invention including a pair of sidewalls extended orthogonally up from the flat bottom wall in order to allow a thin disk cross-member to be received and travel freely through the central bore. Also, Examiner takes Office Notice of the well-known act of including a pair of flange as a matter of design choice for the purpose of defining a slot extending longitudinally across the length

of the needle. Furthermore, it would have been obvious to one having ordinary skill in the art to have modified Deschenes' invention including a pair of flat flanges in order to define a slot extending longitudinally across the length of the needle allowing the connector to extend within the slot while the cross-member is disposed within the bore.

This rejection is respectfully traversed.

With respect to claims 12-14 and 16-17, applicant wishes to note to the Examiner that claims 12-14 and 16-17 are being canceled herewith, thereby rendering the rejection moot.

Withdrawal of the rejection of claims 12-14 and 16-17 under 35 U.S.C. 103(a) as being unpatentable over Deschenes is respectfully urged.

On page 4 of the final Office Action dated 09-24-03, the Examiner commented, "Claims 18 and 24 are allowed."

On page 4 of the final Office Action dated 09-24-03, the Examiner also commented, "Claims 2-6, 10 and 22-23 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims." Accordingly, applicant wishes to note to the Examiner that claim 2 has been rewritten in independent form and renumbered as claim 25. Claims 3-6 and 10 have been amended, as necessary, to depend from new claim 25. Applicant also wishes to note that claims 22-23 are in allowable form for being dependent upon claim 18, which the Examiner has already found to be in allowable form as noted above.

Allowance of the application with claims 3-11, 18, and 22-25 is earnestly solicited.

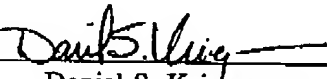
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is required for an extension of time under 37 C.F.R. 1.136 that is not accounted for already, such an extension of time is requested and the fee should also be charged to our Deposit Account.

Applicant respectfully requests that if the present amendment does not place the above-identified patent application in allowable form, the Examiner contact the undersigned attorney at the telephone number listed below.

Respectfully submitted,

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Date: 12-4-03

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on 12-4-03.

  
Daniel S. Kriegsman